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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,272	10/31/2000	Paul G. Allen	4000.2.4	9000
32641	7590	12/14/2005	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			DESIR, JEAN WICEL	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,272

Applicant(s)

ALLEN ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 4/22/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44 and 46-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44 and 46-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 44, 46, and 47 are withdrawn in view of the newly discovered reference to Reynolds et al (US 6,799,327). Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 46, 57-59, 68, 69, 44, 48-50, 52, 55, 56, 47, 60-63, 65 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al (US 6,799,327).

Claim 46:

Reynolds discloses:

A user interface (see Figs. 6, 9, 10, see also Figs. 4A-4F) for an interactive television system comprising:

“a television display area to display television content”, see Figs. 6, 9, 10 items 160, 120;

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“a television reminder area to display a reminder for an upcoming television program”, see Figs. 6, 9, 10 items 162, 164, 362, 364, where a reminder (Fig. 4F, pseudo-ad) may be displayed as claimed, see also col. 9 lines 30-53;

“a plurality of selectable content categories; and an information display area to display information from a selected category that is customized to a particular viewer”, see Figs. 6, 9, 10 items 190, 500, col. 4 lines 50-63, col. 3 lines 52-60;

“wherein the television display area, the television reminder area, and the information display area, are to be simultaneously displayed”, see Figs. 6, 9, 10 where simultaneously displayed can be happened as claimed, see also col. 9 lines 30-53.

Claims 57-59 are disclosed, see col. 1 lines 27-28, col. 8 lines 34-56.

Claims 68, 69 are disclosed, see Fig. 4F.

Claim 44:

Reynolds discloses:

A user interface (see Figs. 6, 9, 10, see also Figs. 4A-4F) for an interactive television system comprising:

“a television display area to display television content”, see Figs. 6, 9, 10 items 160, 120;

“a communication notification area to display a notification of an incoming communication, wherein the notification is to be displayed without a communication interface for the incoming communication”, see Figs. 6, 9, 10 items 162, 164, 362, 364,

where a communication notification (Fig. 4D, pseudo-ad) may be displayed as claimed, see also col. 8 lines 12-15, col. 9 lines 30-53;

“and a television reminder area to display a reminder of an upcoming television program”, see Figs. 6, 9, 10 items 162, 164, 362, 364, where a reminder (Fig. 4F, pseudo-ad) may be displayed as claimed, see also col. 9 lines 30-53;

“and wherein the television display area, the communication notification area, and the television reminder area are to be simultaneously displayed”, see Figs. 6, 9, 10 where simultaneously displayed can be happened as claimed, see also col. 9 lines 30-53.

Claims 48, 50, 52 are disclosed, see col. 8 lines 12-16, 53-56.

Claim 49 is inherent to Reynolds' disclosure, because Reynolds' disclosure includes regions in which the sender and subject of the message are identified (see col. 8 lines 14-15).

Claims 55, 56 are disclosed, see Fig. 4F.

Claim 47 is disclosed for the same reasons as claims 44 and 46.

Claim 60 is disclosed, see Figs. 6, 9, 10 items 190, 500, col. 4 lines 50-63, col. 3 lines 52-60.

Claims 61, 63, 65 are rejected for the same reasons as claims 48, 50, 52.

Claim 62 is rejected for the same reasons as claim 49.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 51, 53, 54, 64, 66, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al (US 6,799,327) in view of DeSimone et al (US 6,212, 548).

Claim 51:

Reynolds does not explicitly disclose that the incoming communication comprises an instant message as claimed in claim 51. However, Reynolds would have rendered the claimed invention obvious. Because the claimed limitations are directed to messages communicate over a network; Reynolds' disclosure provides interface for communicating messages over a network; and instant message is a very well known type of communication over a network (as evidence DeSimone is provided) that would provide users another way to communicate over a network. Thus, an artisan would be motivated to modify Reynolds' disclosure and implement this existing type of communication to arrive at the claimed invention; this implementation would provide users many ways to communicate over a network. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 53, 54 are disclosed in view of the above implementation.

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Claims 64, 66, 67 are rejected for the same reasons as claims 51, 53, 54.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272 7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Dec. 9, 05


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600